

IN THE UNITED STATES BANKRUPTCY COURT
For the Northern District of Ohio
Eastern Division

In the Matter of:)Chapter 7 Case No 04-23498
)
David Caravona)
)Judge Pat E Morgenstern-Clarren
)
Debtor)

Motion by Debtor David Caravona to Reopen Case

Pursuant to 11 U.S.C. Sec. 350(b) and Federal Rule of Bankruptcy Procedure 5010, debtor David Caravona, through counsel Robert J. Berk, respectfully requests to reopen the captioned Chapter 7 bankruptcy case.

Rule 5010 of the Federal Rules of Bankruptcy Procedure provides that “A case may be reopened on motion of the debtor or other party in interest pursuant to Sec. 350(b) of the Code.”

Section 350(b) of the Code provides that: “(b)A case may be reopened in the court in which such case was closed to administer assets, to accord relief to the debtor, or for other cause.”

Mr. Caravona requests that the Court reopen the case in order to afford him relief from prosecution.

Mr. Caravona is a resident of Cuyahoga County. While vacationing in Las Vegas, Nevada during November, 2003, Mr. Caravona visited the Sunset Station Hotel and Casino, hereinafter, “Sunset”. On November 13 and 14, 2003, he negotiated six checks to Sunset totaling fifteen thousand dollars (\$15,000.00) in value. These checks written on his Cleveland bank were subsequently dishonored as written on insufficient funds.

Thereafter, when Mr. Caravona returned home to Cuyahoga County, he paid back in monthly installments an amount totaling two thousand dollars (\$2,000.00). Mr.

Caravona also attempted to enter into a monthly payment plan to repay the balance, but Sunset did not accept his offer. After refusal by Sunset to accept his offer, Mr. Caravona filed the captioned Chapter 7 bankruptcy proceeding. Mr. Caravona listed Sunset as a creditor on Schedule F filed with his petition.

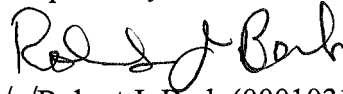
Subsequent to the filing of this case, Sunset, through filing a complaint with the Clark County District Attorney's office, has attempted to use the state police power to collect on the prepetition, now-discharged obligation.

In pursuit of payment on the now-discharged obligation, the Clark County District Attorney's office has sent correspondence demanding payment in order to avoid arrest, and has in fact issued a warrant for Mr. Caravona's arrest, which warrant was acted upon in connection with a routine traffic stop in Cleveland. Mr. Caravona has been required to put up a \$15,000.00 bond in order to get out of jail. Thus, Mr. Caravona has suffered harm in the form of creditor harassment; arrest; and the cost of the bond, in the creditor's effort to collect on a prepetition discharged obligation. The harassment and costs are likely to continue in the absence of further protection from this Court.

Mr. Caravona wishes to reopen the case in order to seek an order holding Sunset in contempt of court for its violation of the automatic stay and the discharge injunction. He will also seek injunctive relief against the Clark County District Attorney's Office and the individual District Attorneys, enjoining prosecution by that entity and those individuals, on the grounds that the police powers are being used to collect a pre-petition obligation on behalf of an individual private creditor.

WHEREFORE, Mr. Caravona respectfully requests that his case be reopened in order to accord him relief from collection efforts, including harassment, monetary harm, and arrest, on a prepetition obligation scheduled in the proceeding.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Robert J. Berk". The signature is fluid and cursive, with the first name "Robert" and last name "Berk" clearly distinguishable.

/s/Robert J. Berk (0001031)

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Attorney for David Caravona

Electronic Mail Notice List

The Chapter 7 Trustee and US Trustee are served by ecf

In addition, the following is the list of attorneys who are currently on the list to receive e-mail notices for this case.

- **Robert J Berk**
bobberklex@aol.com
berklaw@sbcglobal.net;hows1425@aol.com;pding50@aol.com

Manual Notice List

The following were served by regular US Mail this 7 day
of NOVEMBER, 2005.

Clark County District Attorney's Office; 200 South Third Street, 5th Floor; Las Vegas; NV 89101

James I Miller, Esq.; Deputy District Attorney; Clark County District Attorney's Office; 200 South Third Street, 5th Floor; Las Vegas, NV; 89101

David Roger, Esq; District Attorney; Clark County District Attorney's Office; 200 South Third Street, 5th Floor; Las Vegas, NV; 89101

Sunset Station Hotel-Casino; 1301 W. Sunset Road; Henderson NV 89014-6607

/s/Robert J. Berk

Robert J. Berk; Attorney for Mr. Caravona